

IC 35-37-2.5 Version a

Chapter 2.5. Aggravating Circumstances

Note: This version of chapter effective until 5-11-2005. See also following repeal of this chapter, effective 5-11-2005.

IC 35-37-2.5-1

Aggravating circumstances

Note: This version of section effective until 5-11-2005. See also following repeal of this chapter, effective 5-11-2005.

Sec. 1. As used in this section, "aggravating circumstance" means the following:

- (1) The harm, injury, loss, or damage suffered by the victim of the offense was:
 - (A) significant; and
 - (B) greater than the elements necessary to prove the commission of the offense.
- (2) The person has a history of criminal or delinquent behavior.
- (3) The victim of the offense was less than twelve (12) years of age or at least sixty-five (65) years of age.
- (4) The person:
 - (A) committed a crime of violence (IC 35-50-1-2); and
 - (B) knowingly committed the offense in the presence or within hearing of an individual who:
 - (i) was less than eighteen (18) years of age at the time the person committed the offense; and
 - (ii) is not the victim of the offense.
- (5) The person violated a protective order issued against the person under IC 34-26-5 (or IC 31-1-11.5, IC 34-26-2, or IC 34-4-5.1 before their repeal), a workplace violence restraining order issued against the person under IC 34-26-6, or a no contact order issued against the person.
- (6) The person has recently violated the conditions of any probation, parole, or pardon granted to the person.
- (7) The victim of the offense was mentally or physically infirm.
- (8) The person was in a position having care, custody, or control of the victim of the offense.
- (9) The injury to or death of the victim of the offense was the result of shaken baby syndrome (as defined in IC 16-41-40-2).
- (10) The person threatened to harm the victim of the offense or a witness if the victim or witness told anyone about the offense.
- (11) The person:
 - (A) committed trafficking with an inmate under IC 35-44-3-9; and
 - (B) is an employee of the penal facility.

As added by P.L. 71-2005, SEC.2.

IC 35-37-2.5 Version b Repealed

(Repealed by P.L. 213-2005, SEC.9.)

Note: This repeal of chapter effective 5-11-2005. See also preceding section of this chapter, effective until 5-11-2005.

